

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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KAREN L. POORTENGA,

Plaintiff-Appellee,

v

KENNETH J. POORTENGA,

Defendant-Appellant.

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UNPUBLISHED

January 4, 2000

No. 207516

Kent Circuit Court

LC No. 95-002220 DM

Before: Saad, P.J., and McDonald and Gage, JJ.

PER CURIAM.

Defendant appeals as of right from a judgment of divorce. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Plaintiff filed a complaint for divorce. During the pendency of the case, defendant was charged with criminal sexual conduct in the second degree (CSC II), MCL 750.520c; MSA 28.788(3), based on allegations that he molested two of the parties' children. During the trial on plaintiff's complaint for divorce, the evidence showed that defendant held a minority interest in two family-owned companies. His employment provided medical insurance for the family.

Prior to entry of the judgment of divorce, defendant pleaded guilty to CSC II, and was sentenced to a term of two to fifteen years in prison. He moved to terminate his obligation to pay child support during his incarceration. The trial court granted defendant's motion to suspend his child support obligation, but denied both his request to suspend his obligation to provide medical insurance, and his request to reconsider his valuation of certain assets.

We review a trial court's findings of fact on a support issue for clear error, and the ultimate disposition de novo. *Edwards v Edwards*, 192 Mich App 559, 562; 481 NW2d 769 (1992).

Defendant argues that the trial court erred by denying his motion to suspend his obligation to provide medical insurance for the children during his term of incarceration. We disagree. A judgment of divorce must require one or both parents to maintain medical insurance coverage that is available at a reasonable cost or as a benefit of employment for the benefit of minor children. A self-employed parent

who carries health insurance must maintain dependent coverage for the benefit of minor children, if available at a reasonable cost. MCL 552.16(5); MSA 25.96(5). Here, the evidence showed that although defendant's employment was terminated after he was convicted in the criminal case, he retained his ownership of a minority interest in the family companies. Defendant did not establish that as an officer and co-owner of the family companies, he would be unable to continue to provide medical insurance for the children. His reliance on *Pierce v Pierce*, 162 Mich App 367, 370-371; 412 NW2d 291 (1987), is misplaced. In that case, another panel of this Court held that an inability to pay child support due to imprisonment for an unrelated offense excuses payment for the period of incarceration. While the term "support" can include payment of health care expenses, MCL 552.602(w); MSA 25.164(2)(w), the holding in *Pierce, supra*, has not been extended to forms of support other than cash payments. In the absence of evidence that defendant is without the means to continue providing insurance for the children, we cannot conclude that the trial court erred by denying his request to suspend his payment obligation.

Next, defendant argues that the trial court erred by refusing to reconsider its valuation of his minority interest in the family companies. We disagree. The determination of the valuation date for marital assets is within the discretion of the trial court. *Thompson v Thompson*, 189 Mich App 197, 199; 472 NW2d 51 (1991). Defendant retained his ownership interest in the companies after his employment was terminated. No evidence showed that his termination resulted in a change in the value of his interest. No abuse of discretion occurred.

Affirmed.

/s/ Henry William Saad

/s/ Gary R. McDonald

/s/ Hilda R. Gage